

**Minutes of the City of Frederick
Mayor and Board of Aldermen Regular Meeting**

June 3, 2021
7:00 p.m.
Virtual Meeting

- I. Mayor Michael O'Connor presided. Participating were Aldermen Kelly Russell, Derek Shackelford, Roger Wilson, and Ben MacShane and Alderwoman Donna Kuzemchak. Also participating were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.
- II. Mayor O'Connor led the Pledge of Allegiance.
- III. There was no invocation.
- IV. There were no presentations.
- V. The minutes of the May 6, 2021 Regular Public Meeting, May 4, 2021 Closed Session and May 6, 2021 Closed Session were previously distributed. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board voted 5-0 to approve the minutes of the May 6, 2021 Regular Public Meeting. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board voted 5-0 to approve the minutes of the May 4, 2021 Closed Session. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board voted 5-0 to approve the minutes of the May 6, 2021 Closed Session.
- VI. The Mayor announced that a Closed Session had been held on May 20, 2021 and read into the record a summary of that session, which is attached hereto and made a part of these minutes as required under Section 3-306(c)(2) of the General Provisions Article of the Annotated Code of Maryland.
- VII. Mayor O'Connor had no comments.
- VIII. During Aldermanic comments, Alderman Wilson congratulated the Class of 2021, especially his daughter, Zoe Alexandria Wilson.

Alderwoman Kuzemchak echoed Alderman Wilson's comments, offering congratulations to all new high school and college graduates. She also wished a Happy Pride Month to those in the LGBTQIA community and their allies.
- IX. Public comments were received.
- X. Consent Agenda
 - A. Alcohol in City Parks

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 consent agenda items A.1 – A.3:

1. Approval of a request by Celebrate Frederick and The City of Frederick Office of Special Events to allow them to serve beer, wine and alcohol during the 2021 In the Streets event scheduled for Saturday, September 11 at the south side of the Carroll Creek Linear Park from S. Market Street to the Amphitheater and Site C-2 for the Craft Beverage Experience and for the Up the Creek Party pursuant to Section 6-19 of the City Code
2. Approval of a request by Downtown Frederick Partnership to serve beer and wine during the four “Alive @ Five” outdoor happy hour events in October on the 7th, 14th, 21st, and 28th at Carroll Creek Amphitheater and Site C-2 pursuant to Section 6-19 of the City Code
3. Approval of a request by Tech Frederick to serve beer and wine at Baker Park Room 1 during Olympic Style Professional Team Building for local tech businesses and their partners, scheduled for October 8, 2021 pursuant to Section 6-19 of the City Code

B. Resolution

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 consent agenda item B.1:

1. Resolution 21-06 concerning the Maryland Department of Housing and Community Development Neighborhood BusinessWorks Program

C. Grants

On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 consent agenda items C1 – C.3:

1. Approval of Contract Services Agreement with Frederick County Behavioral Health Services
2. Approval of an Emergency Housing Program Grant Agreement with the Maryland Department of Housing and Community Development (DHCD) in the amount of \$409,516.
3. Approval of a Homelessness Solutions Program (ESG-CV2) Grant Agreement with the Maryland Department of Housing and Community Development (DHCD) in the amount of \$1,552,537

D. Special Ordinance

On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 consent agenda items D.1 – D.2:

1. Special Ordinance S-21-08 to amend the budget for Department 6111 for Fiscal Year 2022 in the amount of \$409,516 in order to add revenues and expenditures associated with an Emergency Housing Program Grant

2. Special Ordinance S-21-09 to amend the budget for Department 6111 for Fiscal Year 2022 in the amount of \$1,552,537 in order to add revenues and expenditures associated with a Homelessness Solutions Program Grant

XI. Public Hearing

1. The Board considered a request from the Frederick Rescue Mission for a waiver of fees pursuant to Section 6-13 of the City Code for use of Carrollton Park Pavilion, Carrollton Park T-ball field, and Carrollton Park Basketball Court for a total of 7 dates: June 28, 29, 30 and July 1, 5, 6, 7 for a summer enrichment camp for children. A motion was made by Alderwoman Kuzemchak to approve the request, with the finding that summer enrichment camps are a benefit to the general public and to the City and they help our children from falling behind and that the enrichment waiver does not effect fairness to other users as this vote sets a precedent for future requests for waivers associated with children's programs. The motion was seconded by Alderman Russell for the sake of discussion, which then followed. That motion failed 1-4, with Alderwoman Kuzemchak in favor and Aldermen Russell, Shackelford, Wilson and MacShane opposed.

A motion was made by Alderman Russell and seconded by Alderman MacShane to approve the waiver as requested, finding that these events will benefit the community and the City by providing structured and unstructured social interaction and academic opportunities for children to keep them on grade level in a Covid-safe outdoor environment, and after considering these public benefits recognizing that the waiver of fees does not have a negative impact on others nor does such waiver compromise fairness to others in that the users of the park will be conducting their own maintenance and so will not be adding a financial burden to the City. The motion was approved 5-0.

Additional information was provided by Nichole Rolls, Partnership Development Director for the Frederick Rescue Mission. There were no public comments.

2. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 an Air Traffic Control Tower Operations Agreement with the Federal Aviation Administration and authorization for the Mayor to sign associated documents. There were no public comments.
3. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 a change order in the amount of \$81,922 for PO 20-0001522 for Long Fence, Inc. to install 2,200 LF of galvanized chain link fence and signage at the Frederick Municipal Airport. There were no public comments.
4. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 an Agreement with Stillwork Consulting Group, LLC in the not to exceed amount of \$50,000 to complete a Department of Housing and Human Services Study (RFP 21-D). There were no public comments.
5. The Board considered items related to the purchase of a Special Response Teams vehicle by the Frederick Police Department.

- a. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 Special Ordinance S-21-10 to amend the FY 2021 budget to include the use of the Controlled Dangerous Substance Fund. There were no public comments.
- b. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 the purchase of a Special Response Team vehicle in an amount not to exceed \$130,000. There were no public comments.
6. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 a change order with GHD, Inc. for RFP 12-D Wastewater ENR Upgrade Design and a \$189,640 increase to line 8 of purchase order 13-002339 for Wastewater Operations Consulting Engineering Services. There were no public comments.
7. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 an increase to PO #20-003899 contingency line item 3 with Nu-Pulse Technologies in the amount of \$247,382.28 for Design-Build Services related to our Security Upgrades Project (RFP 20-K). There were no public comments.
8. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 4-1, with Aldermen Russell, Wilson, MacShane and Alderwoman Kuzemchak in favor and Alderman Shackelford opposed, a Third Amendment to the Amended and Restated Memorandum of Understanding with Plamondon Hospitality Partners, LLC concerning the downtown hotel project. There were no public comments.
9. On a motion made by Alderman Shackelford and seconded by Alderman MacShane the Board approved 5-0 Ordinance G-21-12 to amend Chapter 2, Article VII of the City Code, Youth Advisory Council. There were no public comments.
10. On a motion made by Alderman MacShane and seconded by Alderman Shackelford the Board approved 5-0 a Moderately Priced Dwelling Units Agreement with Hamilton Station, LLC. There were no public comments.

- XII. On a motion made by Alderman MacShane and seconded by Alderwoman Kuzemchak the Board approved 5-0 the appointment of Jeff DiPietro to the alternate position of the Historic Preservation Commission to complete a term expiring January 17, 2022.

On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 the appointment of Carolyn Dockins to the Bicycle Pedestrian Advisory Commission for a four-year term of June 4, 2021 to June 3, 2025.

- XIII. During Aldermanic comments and new business, Alderman Russell noted she and Alderman Shackelford had attended a retirement event honoring Angela Spencer. She offered congratulations to Ms. Spencer on her retirement and commended her for her long career of community service.

Alderman Shackelford concurred with Alderman Russell regarding Ms. Spencer's many

contributions to the community. He also commented regarding mental health, stressing the need to take mental health seriously and to be supportive of each other.

- XIV. Mayor O'Connor thanked Aldermen Russell and Shackelford for representing him at the retirement luncheon, expressing his regret that scheduling conflicts prevented him from attending.
- XV. There were no committee reports.
- XVI. There were no director reports.
- XVII. There were no additional public comments.

There being no further official business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Phyllis Hane
Legislative Clerk